

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BONG H. CHAE,)	8:13CV166
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
PAUL RODRIGUEZ, Clinical)	
Program Manager for CSORT.,)	
STEPHANIE BRUHN, Ph.D.,)	
Behavioral health Assistant)	
Administrator–Sex Offender)	
Services., CAMERON S. WHITE,)	
Ph.D., Behavioral Administrator, and)	
MIKE KENNY, Warden at O.C.C.,)	
)	
Defendants.)	

This matter is before the court on its own motion. On September 26, 2013, the court conducted an initial review of Plaintiff’s Complaint. (Filing No. [10](#).) It dismissed Plaintiff’s Fourteenth Amendment due process claims and his claims for monetary relief against Defendants in their official capacities. In addition, the court determined that Plaintiff’s equal protection claims failed to state a claim upon which relief may be granted. (*Id.* at CM/ECF pp. 3-9.) On the court’s own motion, the court gave Plaintiff the opportunity to file an amended complaint. (*Id.*)

Plaintiff filed an Amended Complaint on October 24, 2013. (Filing No. [11](#).) Plaintiff’s Amended Complaint merely reasserts the equal protection claims set forth in his original Complaint. For the reasons discussed in the court’s Memorandum and Order dated September 26, 2013, these allegations fail to state a claim upon which relief may be granted.

In Plaintiff's Amended Complaint, Plaintiff also alleges that Defendants Stephanie Bruhn, Cameron White, and Mike Kenny, through their review of Plaintiff's inmate grievances, showed deliberate indifference to Plaintiff's constitutional rights. However, Plaintiff does not explain how Defendants' actions (or lack thereof) violated his constitutional rights. He alleges in his Complaint and Amended Complaint that Nebraska Department of Correctional Services staff recommended that he undergo mental health programming prior to his next parole hearing. Plaintiff alleges that each of the named Defendants have refused to relieve him of this recommendation. However, as set forth in the court's Memorandum and Order dated September 26, 2013, Plaintiff does not have a constitutionally-protected liberty interest in parole, and Nebraska statutes clearly state that recommended programming may include "[a]ny . . . program deemed necessary and appropriate by the [Nebraska Department of Correctional Services]." See [Neb. Rev. Stat. § 83-1, 107\(1\)\(a\)\(v\)](#). For these reasons, Plaintiff's Complaint and Amended Complaint fail to state a claim upon which relief may be granted.

IT IS THEREFORE ORDERED that:

1. For the reasons set forth in this Memorandum and Order and in the court's Memorandum and Order dated September 26, 2013, this matter is dismissed without prejudice for failure to state a claim upon which relief may be granted.
2. The clerk's office is directed to place the "28USC1915(g)_STR" flag on this matter.
3. A separate judgment will be entered in accordance with this Memorandum and Order.

4. The pending motions for status, counsel, and summons are denied as moot. (Filing Nos. [9](#), [12](#), and [14](#).)

DATED this 28th day of October, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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